



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of)
Amerimart Development Company,) DOCKET NO. RCRA-02-2012-7501
Inc., Qual-Econ Lease Co., Inc,)
Commercial Realty Fund II,)
MJG Enterprises, Inc, and)
Clear Alternative or Western NY,)
Inc., (d/b/a G & G Petroleum),)
Respondent.)

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REPORT RECOMMENDING CONTINUATION OF ALTERNATIVE DISPUTE RESOLUTION PROCESS

The Order of Redesignation dated December 19, 2012 provides that this alternative dispute resolution (ADR) process terminates January 18, 2013. The recommendation of this Report is that the ADR process be continued until February 19, 2013.

This continuation of the ADR process is recommended because the parties' negotiations have made some progress toward a settlement, and given the scope and breadth of the Complaint, the parties anticipate that they need a full four months to reach settlement. In addition, settlement discussions been delayed due to closure of EPA Region 2 offices in October and November caused by Hurricane Sandy and the holidays in December and January. The parties' chances of achieving a settlement are sufficient to justify the requested continuation.

Accordingly, the undersigned will continue to work as a Neutral in this case and will file another report with the Chief Administrative Law Judge by February 19, 2013.

[Handwritten signature of M. Lisa Buschmann]

M. Lisa Buschmann
Administrative Law Judge
Dated: January 22, 2013

Approved: [Handwritten signature of Susan L. Biro]

Susan L. Biro, Chief Administrative Law Judge


Dated: 1/22/13

In the ADR Matter of Amerimart Development Company, Inc., Qual-Econ Lease Co., Inc., Commercial Realty Fund, II, MJG Enterprises, Inc., and Clear Alternative of Western NY, Inc., d/b/a G & G Petroleum, Respondents

Docket No. RCRA-02-2012-7501

CERTIFICATE OF SERVICE

I certify that the foregoing **Report Recommending Continuation of Alternative Dispute Resolution Process**, dated January 22, 2013 was sent in the following manner to the addressees listed below.



Kholyn R. Jones
Staff Assistant

Dated: January 22, 2013

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